

IPaC-Assisted Determination Key for the FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and Northern Long-eared Bat

This document has been adapted from USFWS for RIDOT purposes.

The following process summarizes how to use the IPaC Assisted Determination Key for submitting site specific transportation project(s) for inclusion in the range-wide programmatic consultation for the Northern long-eared bat (NLEB).

Process for Transportation Agencies

**** Please see IPaC Tutorial for RIDOT Projects**

The applying transportation agency, or consultant, uses the Information for Planning and Conservation (IPaC) website at <http://ecos.fws.gov/ipac/>. Login to your IPaC account (first time users need to create an account and activate as directed) and follow these steps:

- Under My Projects, select "Create a Project",
- Enter project location, define the area, confirm and select "Continue",
- A resources page will be displayed that provides trust resource information in the project action area,
- Select "Define Project",
- Give project name, detailed description and "Save",
- The project home page will be displayed; select "Start Review", and then "Continue",
- Request an official species list to be attached to NEPA documentation.

Evaluate Determination Keys

Assess the available Determination Keys and follow these steps:

- Select "Evaluate",
- A description will be displayed for the Determination Key that is applicable to the Service's December 2016 rangewide programmatic biological opinion for transportation projects,
- Select "Check if my project qualifies",
- Answer the questions in the Qualification Interview,
- A preliminary effects determination is displayed, select "Save and Continue",
- Complete the Project Questionnaire and select "Continue",
- **The Determination Key Result is displayed,**
- If the Key Result is "No Effect", then no consultation is required.
 - If you are a state/federal action agency or a consultant:
 - View and print "Concurrence Verification" letter of no effect for NEPA documentation.
- If the Key Result is "May Affect, Not Likely to Adversely Affect" (NLAA),
 - If you are a state/federal action agency:

- Submit the project for “**Concurrence Verification**” to the Service,
- Complete contact information and submit,
- Select View Concurrence Verification Letter,
- The local Service field office will receive notice of your project and will contact you within 14-days if they have any questions (see below).

○ If you are not a state/federal action agency and are a consultant:

**** Please see IPaC Tutorial for RIDOT Projects**

- Complete Determination Key and Project Questionnaire and save.
- Add a representative from RIDOT NRU as a member of the project.
- RIDOT NRU will review the determination and submit the Project to the Service via IPaC (see below). NRU will officially submit project to USFWS, and send back to the PM and consultant a “**Concurrence Verification Letter**” which can be attached to the NEPA documentation along with the species list.

- If the Key Result is “May Affect, Likely to Adversely Affect” (LAA),
 - Request to generate a “Consistency Letter”,
 - Verify project name and description and select “Generate Consistency Letter”,
 - Select View Consistency Letter and save, CONTACT NRU for further instructions.
 - The state/federal action agency will submit the Consistency Letter to the Service via email/traditional correspondence method to verify use of the rangewide programmatic biological opinion (see below).

Final Submittal and Correspondence

If a **Concurrence Verification Letter** has been submitted to the Service via IPaC by RIDOT NRU, the local Service field office has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if the Service determines that the proposed project does not meet the criteria for a NLAA determination under the programmatic consultation. If the Service does not notify the lead Federal action agency or designated non-federal representative within this timeframe, you may proceed with the proposed project under the terms of the NLAA concurrence provided in the programmatic biological opinion. NEPA documentation will not be approved until the 14 days has passed without notification from the Service.

If requesting verification to use the rangewide programmatic biological opinion (for LAA), the local Service field office will respond within 30 calendar days (as detailed in the Consistency Letter). Consultation for the proposed project is not complete until the Federal action agency or its designated non-federal representative receives a verification response letter from the Service.